

Fw: Agenda item 186/2015 - Blacklake Authorization

Stephanie Fuhs to: Annette Ramirez

03/23/2015 08:12 AM

Hi Annette,
I received this correspondence this morning. Should I be making 12 copies and bringing it to the meeting tomorrow? Not sure of the protocol. Thanks!

Stephanie Fuhs
Planner
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----- Forwarded by Stephanie Fuhs/Planning/COSLO on 03/23/2015 08:11 AM -----

From: Noel Heal <noelheal@gmail.com>
To: sfuhs@co.slo.ca.us
Cc: "Dan and Nancy Hall (Dan and Nancy Hall)" <sailsho@charter.net>, Carters <carterstwo@earthlink.net>, Bill Morrow <morrowwg8@aol.com>, Bob McGill <bob.mcgill2@verizon.net>, Brad Miller <bdmca@sbcglobal.net>
Date: 03/20/2015 05:48 PM
Subject: Agenda item 186/2015 - Blacklake Authorization

Dear Ms.. Fuhs,

Attached is a letter for possible inclusion in the correspondence folder of this matter. I apologize for my lateness in submitting this. I hope there is some way to insert it in the file electronically, even if not all concerned will have time to read it. I will try to summarize the letter orally if I get an opportunity to speak at the authorization hearing.

Thank you. -- Noel

Noel Heal,
Legends at Blacklake resident



186-2015 letter from NHeal.pdf

Noel F. Heal

Nipomo, CA 93444

March 20, 2015

Ms. Stephanie Fuhs, Planner
County of San Luis Obispo
976 Osos St., Room 300
San Luis Obispo, CA 93408

Re: **Agenda 186/2015 – Blacklake Authorization**

My name is Noel Heal and I have been a homeowner in the Legends development of the Black Lake community since 1999. I have just three brief points to make because others have already made comments that I agree with, and they have done so with eloquence that I could not match.

First, most of those homeowners you have heard from reside in the Fairways and Crown Pointe areas of Black Lake. That's not surprising because the Rossi proposals we have seen so far would affect them the most. My wife and I live in the Legends but we, also, paid a premium for a lot that backs onto golf course property, so we will definitely be affected, and perhaps in jeopardy, if any proposal goes forward. In addition, there are two proposed pods of new residences just north of Black Lake Canyon Drive that are only a few hundred feet from our house – not in the best view line but definitely visible, and not in a good way. I think it's unfair to characterize the more directly affected residents as a "vocal minority." The silence of others should not be taken as approval. People choose not to speak up for a variety of reasons.

Second, while others have rightfully focused on the tragic loss of their views and their privacy, and on the potential loss of property values ensuing from the proposed housing project, I want to focus only on what seems to be the clearest issue of all – our Black Lake CC&Rs. The Board of Supervisors, can amend the Black Lake Specific Plan to say almost anything. In fact, it only takes three supervisors to do that, and from what I have read on the subject there probably isn't a judge in California who would overturn their action. We in Black Lake, on the other hand, do not have the luxury of being able to rewrite our governing laws so easily because the County, or more precisely, a predecessor panel of this Board of Supervisors, mandated in the Black Lake Specific Plan that Black Lake homeowners' associations must be established, with governing documents (the CC&Rs) that had to be submitted for County approval. The CC&Rs effectively contain the same limitations of population density and an Open-Space golf course that are significant features of the Specific Plan. Basically, then, it was the County that was largely responsible for creating the look and feel of Black Lake that we still enjoy today, through the South County General Plan, the Black Lake Specific Plan, and the mandated Black Lake CC&Rs. Now the County is being asked to amend the Specific Plan in a very fundamental way that will change Black Lake forever, by

increasing the population density dramatically and permitting the construction of residences on what was designated in the Specific Plan as Open Space. Such an amendment would be contrary to our CC&Rs, the ones that the County itself mandated and approved. If the Board of Supervisors were to allow Mr. Rossi to go forward with his application, the County would be facilitating or directly collaborating in Mr. Rossi's willful violation of the CC&Rs by building residences on the golf course. Incidentally, the amendment that the Board is being asked to approve is by no means a trivial one. The County would be not so much amending the Specific Plan as gutting it, because it is replete with language singing the praises of the Open Space qualities of the golf course.

Finally, I note from the agenda correspondence that Mr. Rossi says he was unaware of the requirement for an Open Space Easement on the golf course. The gist of his current position seems to be that 30 years of open space is as much as we should have expected, and certainly as much as we deserve. Fortunately, the CC&Rs run with the land and contain no such time limitation; they are effective in perpetuity unless amended by a super-majority of the homeowners. Copies of the Black Lake Specific Plan and the Black Lake CC&Rs were presumably supplied to Mr. Rossi, just as they were supplied to me and to hundreds of other homeowners who purchased property in the community. We have relied, to our possible detriment, on what these documents say but Mr. Rossi wants to change what they say. He is now on record as saying that he plans to go ahead with the project with or without resolution of any CC&R conflict. This does not bode well for the future of Black Lake.

Therefore, I respectfully urge the Board to reject the application now before it, as well as any amended application, because accepting any application that proposes the construction of residences on the golf course would ultimately result in a serious violation of the Black Lake CC&Rs. If the Board decides not to reject the application, my hope is that the Black Lake Management Association (BLMA) will take immediate legal action to enforce our CC&Rs or, if they do not, that other homeowners will. Without enforceable CC&Rs, our community would be left to the whims and caprices of our fellow property owners, including the golf course owner.

Thank you for your time and consideration.

Noel Heal

Transmitted by email